

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

RICHARD IDEN,

Plaintiff,

v.

NURSE STARK, *et al.*,

Defendants.

Case No. 3:22-cv-00121-MMD-CLB

ORDER

In this action filed under 28 U.S.C. § 1983, the Court permitted Plaintiff to proceed on an Eighth Amendment claim of deliberate indifference to a serious medical need based on ongoing delays with medication against Defendant nurse Stark. Before the Court are the Reports and Recommendations of United States Magistrate Judge Carla L. Baldwin (ECF Nos. 18, 28) (“R&Rs”), recommending the Court deny Plaintiff’s two motions for preliminary injunction (ECF Nos. 4, 22). Plaintiff filed objections to the R&Rs (ECF Nos. 24, 29), and Defendant responded (ECF Nos. 26, 29). The Court agrees with the R&Rs and will deny Plaintiff’s motions for preliminary injunction.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the Court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

In light of Plaintiff’s objections, the Court has engaged in a *de novo* review to determine whether to adopt Magistrate Judge Baldwin’s recommendations. Upon reviewing the R&Rs and underlying briefs, this Court finds good cause to adopt the Magistrate Judge’s R&Rs.

Judge Baldwin recommends denial of Plaintiff’s first motion for preliminary injunction because the relief requested primarily related to the part of Plaintiff’s proposed

1 claims—alleging deliberate indifference involving delay in medical treatment—that the
2 Court dismissed.¹ (ECF No. 18 at 5-6.) The Court agrees with Judge Baldwin’s
3 recommendation that Plaintiff cannot seek relief unrelated to the only claim permitted to
4 proceed in the screening order. (ECF No. 6 at 6-7.)

5 Judge Baldwin similarly recommends denial of Plaintiff’s second motion for
6 preliminary injunction because the relief requested—directing “NDOC to perform all
7 doctor orders, administer both vaccines and set medical appointment” (ECF No. 22)—is
8 unrelated to the remaining claim of delay in medication against Defendant nurse Stark. In
9 his objection, Plaintiff asserts that “not receiving doctor ordered medication for a variety
10 of health issues” is within the scope of his claim. (ECF No. 29 at 1.) However, that was
11 not the relief requested in his motion. Accordingly, the Court agrees with Judge Baldwin’s
12 recommendation.

13 It is therefore ordered, adjudged, and decreed that the Reports and
14 Recommendations of Magistrate Judge Carla L. Baldwin (ECF Nos. 18, 28) are accepted
15 and adopted in their entirety.

16 It is further ordered that Plaintiff’s motions for preliminary injunction (ECF Nos. 4,
17 22) are denied.

18 DATED THIS 11th Day of January 2023.

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21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹The Complaint asserts deliberate indifference relating to delay in treatment for
28 several medical issues, but the Court did not permit this claim to proceed. (ECF No. 6 at
7.) Plaintiff filed his first motion for preliminary injunction (ECF No. 4) before the Court
issued the screening order dismissing this part of his deliberate indifferent claim.